

AMENDED IN ASSEMBLY APRIL 9, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 423**

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**Introduced by Assembly Member Torres**

February 15, 2013

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An act to ~~amend Section 2085.5 of the Penal Code, and to amend Sections 1752.81 and 1752.82 of the Welfare and Institutions Code, relating to restitution~~ *add Section 5035 to the Penal Code, relating to corrections.*

LEGISLATIVE COUNSEL'S DIGEST

AB 423, as amended, Torres. ~~Restitution: collection. Department of Corrections and Rehabilitation: restitution data.~~

*Existing law provides for the administration of the state correctional system by the Department of Corrections and Rehabilitation. Existing law requires the department to study the programmatic and fiscal feasibility of providing for rehabilitation information and tracking functionality within the Strategic Offender Management System, as specified.*

*This bill would require the department to include in the Strategic Offender Management System, or any successor system maintained by the department, information regarding restitution fines or orders for inmates within its jurisdiction, and to utilize that system to ensure that the California Victim Compensation and Government Claims Board is provided with accurate and up-to-date information regarding unfulfilled restitution fines and orders.*

~~Existing law authorizes the imposition of a restitution fine or order to be paid to the state or the victim of a crime, as specified. Existing law requires the Secretary of Corrections and Rehabilitation, to deduct~~

~~a minimum of 20% of the balance owing on the fine or order amount, whichever is less, up to a maximum of 50%, from the wages and trust account of a prisoner to fulfill his or her restitution fine or order, unless prohibited by federal law. Existing law authorizes an agency designated by the board of supervisors in a county where a prisoner is incarcerated to deduct those amounts from specified prisoners. Under existing law, if an inmate is housed at an institution that requires food to be purchased from the institution canteen for unsupervised overnight visits, and if the money for the purchase of this food is received from funds other than the inmate's wages, that money is exempt from restitution deductions.~~

~~Existing law requires the Director of the Division of Juvenile Justice, if an adult or minor is committed to, or housed in, a Division of Juvenile Facilities facility and he or she owes money for a restitution fine or order, to deduct the balance owing on the fine or order amount from the trust account deposits of a ward, up to a maximum of 50% of the total amount held in trust, unless prohibited by federal law. Existing law also authorizes the director to deduct a reasonable amount, not to exceed 50%, from the wages of a ward to satisfy a restitution fine or order. Existing law also authorizes the director to expend the portion of a ward's trust funds that exceed \$500 pursuant to a lawful order of a court directing payment of the funds.~~

~~This bill would require the Secretary of Corrections and Rehabilitation and the Director of the Division of Juvenile Justice, and would authorize the collecting agency of a county, to deduct either the balance owing on a restitution fine or order or 80% of the trust account or wages of a prisoner or ward, whichever is less, unless prohibited by federal law. The bill would expand these provisions to apply to a prisoner who is punished by imprisonment in any county correctional facility, and would delete the exemption for funds for the purchase of food from the institution canteen for unsupervised overnight visits. The bill would also authorize the Director of Juvenile Justice to expend the portion of a ward's trust funds that exceed \$100 pursuant to a lawful order of a court directing payment of the funds.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 5035 is added to the Penal Code,*  
2     *immediately following Section 5032, to read:*

3     *5035. The Department of Corrections and Rehabilitation shall*  
4     *include in the Strategic Offender Management System, or any*  
5     *successor system maintained by the department, information*  
6     *regarding restitution fines or orders for inmates within its*  
7     *jurisdiction, including the amount necessary to fulfill a fine or*  
8     *order, the amounts that have been collected from the offender, if*  
9     *any, and the status of efforts to collect any remaining balance. The*  
10    *department shall utilize that system to ensure that the California*  
11    *Victim Compensation and Government Claims Board is provided*  
12    *with accurate and up-to-date information regarding unfulfilled*  
13    *restitution fines and orders.*

14    ~~SECTION 1. Section 2085.5 of the Penal Code is amended to~~  
15    ~~read:~~

16    ~~2085.5.—(a) In any case in which a prisoner owes a restitution~~  
17    ~~fine imposed pursuant to subdivision (a) of Section 13967 of the~~  
18    ~~Government Code, as operative prior to September 28, 1994,~~  
19    ~~subdivision (b) of Section 730.6 of the Welfare and Institutions~~  
20    ~~Code, or subdivision (b) of Section 1202.4, the Secretary of the~~  
21    ~~Department of Corrections and Rehabilitation shall deduct 80~~  
22    ~~percent or the balance owing on the fine amount, whichever is~~  
23    ~~less, from the wages and trust account deposits of a prisoner, unless~~  
24    ~~prohibited by federal law, and shall transfer that amount to the~~  
25    ~~California Victim Compensation and Government Claims Board~~  
26    ~~for deposit in the Restitution Fund in the State Treasury. Any~~  
27    ~~amount so deducted shall be credited against the amount owing~~  
28    ~~on the fine. The sentencing court shall be provided a record of the~~  
29    ~~payments.~~

30    ~~(b) (1) When a prisoner is punished by imprisonment in a~~  
31    ~~county correctional facility, in any case in which a prisoner owes~~  
32    ~~a restitution fine imposed pursuant to subdivision (a) of Section~~  
33    ~~13967 of the Government Code, as operative prior to September~~  
34    ~~28, 1994, subdivision (b) of Section 730.6 of the Welfare and~~  
35    ~~Institutions Code, or subdivision (b) of Section 1202.4, the agency~~  
36    ~~designated by the board of supervisors in the county where the~~  
37    ~~prisoner is incarcerated is authorized to deduct 80 percent or the~~  
38    ~~balance owing on the fine amount, whichever is less, from the~~

1 county correctional facility equivalent of wages and trust account  
2 deposits of a prisoner, unless prohibited by federal law, and shall  
3 transfer that amount to the California Victim Compensation and  
4 Government Claims Board for deposit in the Restitution Fund in  
5 the State Treasury. Any amount so deducted shall be credited  
6 against the amount owing on the fine. The sentencing court shall  
7 be provided a record of the payments.

8 (2) If the board of supervisors designates the county sheriff as  
9 the collecting agency, the board of supervisors shall first obtain  
10 the concurrence of the county sheriff.

11 (c) In any case in which a prisoner owes a restitution order  
12 imposed pursuant to subdivision (c) of Section 13967 of the  
13 Government Code, as operative prior to September 28, 1994,  
14 subdivision (h) of Section 730.6 of the Welfare and Institutions  
15 Code, or subdivision (f) of Section 1202.4, the Secretary of the  
16 Department of Corrections and Rehabilitation shall deduct 80  
17 percent or the balance owing on the order amount, whichever is  
18 less, from the wages and trust account deposits of a prisoner, unless  
19 prohibited by federal law. The secretary shall transfer that amount  
20 to the California Victim Compensation and Government Claims  
21 Board for direct payment to the victim, or payment shall be made  
22 to the Restitution Fund to the extent that the victim has received  
23 assistance pursuant to that program. The sentencing court shall be  
24 provided a record of the payments made to victims and of the  
25 payments deposited to the Restitution Fund pursuant to this  
26 subdivision.

27 (d) When a prisoner is punished by imprisonment in a county  
28 correctional facility, in any case in which a prisoner owes a  
29 restitution order imposed pursuant to subdivision (c) of Section  
30 13967 of the Government Code, as operative prior to September  
31 28, 1994, subdivision (h) of Section 730.6 of the Welfare and  
32 Institutions Code, or subdivision (b) of Section 1202.4, the agency  
33 designated by the board of supervisors in the county where the  
34 prisoner is incarcerated is authorized to deduct 80 percent or the  
35 balance owing on the order amount, whichever is less, from the  
36 county correctional facility equivalent of wages and trust account  
37 deposits of a prisoner, unless prohibited by federal law. The agency  
38 shall transfer that amount to the California Victim Compensation  
39 and Government Claims Board for direct payment to the victim,  
40 or payment shall be made to the Restitution Fund to the extent that

1 the victim has received assistance pursuant to that program, or  
2 may pay the victim directly. The sentencing court shall be provided  
3 a record of the payments made to the victims and of the payments  
4 deposited to the Restitution Fund pursuant to this subdivision.

5 (e) The secretary shall deduct and retain from the wages and  
6 trust account deposits of a prisoner, unless prohibited by federal  
7 law, an administrative fee that totals 10 percent of any amount  
8 transferred to the California Victim Compensation and Government  
9 Claims Board pursuant to subdivision (a) or (c). The secretary  
10 shall deduct and retain from any prisoner settlement or trial award,  
11 an administrative fee that totals 5 percent of any amount paid from  
12 the settlement or award to satisfy an outstanding restitution order  
13 or fine pursuant to subdivision (n), unless prohibited by federal  
14 law. The secretary shall deposit the administrative fee moneys in  
15 a special deposit account for reimbursing administrative and  
16 support costs of the restitution program of the Department of  
17 Corrections and Rehabilitation. The secretary, at his or her  
18 discretion, may retain any excess funds in the special deposit  
19 account for future reimbursement of the department's  
20 administrative and support costs for the restitution program or may  
21 transfer all or part of the excess funds for deposit in the Restitution  
22 Fund.

23 (f) When a prisoner is punished by imprisonment in a county  
24 correctional facility, the agency designated by the board of  
25 supervisors in the county where the prisoner is incarcerated is  
26 authorized to deduct and retain from the county correctional facility  
27 equivalent of wages and trust account deposits of a prisoner, unless  
28 prohibited by federal law, and administrative fee that totals 10  
29 percent of any amount transferred to the California Victim  
30 Compensation and Government Claims Board pursuant to  
31 subdivision (b) or (d). The agency is authorized to deduct and  
32 retain from any prisoner settlement or trial award, an administrative  
33 fee that totals 5 percent of any amount paid from the settlement  
34 or award to satisfy an outstanding restitution order or fine pursuant  
35 to subdivision (n), unless prohibited by federal law. The agency  
36 shall deposit the administrative fee moneys in a special deposit  
37 account for reimbursing administrative and support costs of the  
38 restitution program of the agency. The agency is authorized to  
39 retain any excess funds in the special deposit account for future  
40 reimbursement of the agency's administrative and support costs

1 for the restitution program or may transfer all or part of the excess  
2 funds for deposit in the Restitution Fund.

3 ~~(g) In any case in which a parolee owes a restitution fine~~  
4 ~~imposed pursuant to subdivision (a) of Section 13967 of the~~  
5 ~~Government Code, as operative prior to September 28, 1994,~~  
6 ~~subdivision (b) of Section 730.6 of the Welfare and Institutions~~  
7 ~~Code, or subdivision (b) of Section 1202.4, the secretary, or, when~~  
8 ~~a prisoner is punished by imprisonment in a county correctional~~  
9 ~~facility, the agency designated by the board of supervisors in the~~  
10 ~~county where the prisoner is incarcerated, may collect from the~~  
11 ~~parolee any moneys owing on the restitution fine amount, unless~~  
12 ~~prohibited by federal law. The secretary or the agency shall transfer~~  
13 ~~that amount to the California Victim Compensation and~~  
14 ~~Government Claims Board for deposit in the Restitution Fund in~~  
15 ~~the State Treasury. Any amount so deducted shall be credited~~  
16 ~~against the amount owing on the fine. The sentencing court shall~~  
17 ~~be provided a record of the payments.~~

18 ~~(h) In any case in which a parolee owes a direct order of~~  
19 ~~restitution, imposed pursuant to subdivision (c) of Section 13967~~  
20 ~~of the Government Code, as operative prior to September 28, 1994,~~  
21 ~~subdivision (h) of Section 730.6 of the Welfare and Institutions~~  
22 ~~Code, or paragraph (3) of subdivision (a) of Section 1202.4, the~~  
23 ~~secretary, or, when a prisoner is punished by imprisonment in a~~  
24 ~~county correctional facility, the agency designated by the board~~  
25 ~~of supervisors in the county where the prisoner is incarcerated or~~  
26 ~~a local collection program, may collect from the parolee or person~~  
27 ~~previously imprisoned in a county correctional facility any moneys~~  
28 ~~owing, unless prohibited by federal law. The secretary or the~~  
29 ~~agency shall transfer that amount to the California Victim~~  
30 ~~Compensation and Government Claims Board for direct payment~~  
31 ~~to the victim, or payment shall be made to the Restitution Fund to~~  
32 ~~the extent that the victim has received assistance pursuant to that~~  
33 ~~program. The sentencing court shall be provided a record of the~~  
34 ~~payments made by the offender pursuant to this subdivision.~~

35 ~~(i) The secretary, or, when a prisoner is punished by~~  
36 ~~imprisonment in a county correctional facility, the agency~~  
37 ~~designated by the board of supervisors in the county where the~~  
38 ~~prisoner is incarcerated, may deduct and retain from any moneys~~  
39 ~~collected from parolees an administrative fee that totals 10 percent~~  
40 ~~of any amount transferred to the California Victim Compensation~~

1 and Government Claims Board pursuant to subdivision (g) or (h);  
2 unless prohibited by federal law. The secretary shall deduct and  
3 retain from any settlement or trial award of a parolee an  
4 administrative fee that totals 5 percent of any amount paid from  
5 the settlement or award to satisfy an outstanding restitution order  
6 or fine pursuant to subdivision (n), unless prohibited by federal  
7 law. The agency is authorized to deduct and retain from any  
8 settlement or trial award of a parolee an administrative fee that  
9 totals 5 percent of any amount paid from the settlement or award  
10 to satisfy an outstanding restitution order or fine pursuant to  
11 subdivision (n). The secretary or the agency shall deposit the  
12 administrative fee moneys in a special deposit account for  
13 reimbursing administrative and support costs of the restitution  
14 program of the Department of Corrections and Rehabilitation or  
15 the agency, as applicable. The secretary, at his or her discretion,  
16 or the agency may retain any excess funds in the special deposit  
17 account for future reimbursement of the department's or agency's  
18 administrative and support costs for the restitution program or may  
19 transfer all or part of the excess funds for deposit in the Restitution  
20 Fund.

21 (j) When a prisoner has both a restitution fine and a restitution  
22 order from the sentencing court, the Department of Corrections  
23 and Rehabilitation shall collect the restitution order first pursuant  
24 to subdivision (c).

25 (k) When a prisoner is punished by imprisonment in a county  
26 correctional facility and that prisoner has both a restitution fine  
27 and a restitution order from the sentencing court, if the agency  
28 designated by the board of supervisors in the county where the  
29 prisoner is incarcerated collects the fine and order, the agency shall  
30 collect the restitution order first pursuant to subdivision (d).

31 (l) When a parolee has both a restitution fine and a restitution  
32 order from the sentencing court, the Department of Corrections  
33 and Rehabilitation, or, when the prisoner is punished by  
34 imprisonment in a county correctional facility, the agency  
35 designated by the board of supervisors in the county where the  
36 prisoner is incarcerated, may collect the restitution order first,  
37 pursuant to subdivision (h).

38 (m) Any compensatory or punitive damages awarded by trial  
39 or settlement to any inmate, parolee, person placed on postrelease  
40 community supervision pursuant to Section 3451, or defendant on

1 mandatory supervision imposed pursuant to subparagraph (B) of  
2 paragraph (5) of subdivision (h) of Section 1170, in connection  
3 with a civil action brought against any federal, state, or local jail,  
4 prison, or correctional facility, or any official or agent thereof,  
5 shall be paid directly, after payment of reasonable attorney's fees  
6 and litigation costs approved by the court, to satisfy any  
7 outstanding restitution orders or restitution fines against that  
8 person. The balance of any award shall be forwarded to the payee  
9 after full payment of all outstanding restitution orders and  
10 restitution fines, subject to subdivisions (e) and (i). The Department  
11 of Corrections and Rehabilitation shall make all reasonable efforts  
12 to notify the victims of the crime for which that person was  
13 convicted concerning the pending payment of any compensatory  
14 or punitive damages. For any prisoner punished by imprisonment  
15 in a county jail pursuant to subdivision (h) of Section 1170, the  
16 agency is authorized to make all reasonable efforts to notify the  
17 victims of the crime for which that person was convicted  
18 concerning the pending payment of any compensatory or punitive  
19 damages.

20 (n) (1) Amounts transferred to the California Victim  
21 Compensation and Government Claims Board for payment of  
22 direct orders of restitution shall be paid to the victim within 60  
23 days from the date the restitution revenues are received by the  
24 California Victim Compensation and Government Claims Board.  
25 If the restitution payment to a victim is less than fifty dollars (\$50);  
26 then payment need not be forwarded to that victim until the  
27 payment reaches fifty dollars (\$50) or until 180 days from the date  
28 the first payment is received, whichever occurs sooner.

29 (2) In any case in which a victim cannot be located, the  
30 restitution revenues received by the California Victim  
31 Compensation and Government Claims Board on behalf of the  
32 victim shall be held in trust in the Restitution Fund until the end  
33 of the state fiscal year subsequent to the state fiscal year in which  
34 the funds were deposited or until the time that the victim has  
35 provided current address information, whichever occurs sooner.  
36 Amounts remaining in trust at the end of the specified period of  
37 time shall revert to the Restitution Fund.

38 (3) (A) Any victim failing to provide a current address within  
39 the period of time specified in paragraph (2) may provide  
40 documentation to the Department of Corrections and Rehabilitation



1 which in turn shall verify that moneys were in fact collected on  
2 behalf of the victim. Upon receipt of that verified information from  
3 the Department of Corrections and Rehabilitation, the California  
4 Victim Compensation and Government Claims Board shall transmit  
5 the restitution revenues to the victim in accordance with the  
6 provisions of subdivision (e) or (h).

7 (B) Any victim failing to provide a current address within the  
8 period of time specified in paragraph (2) may provide  
9 documentation to the agency designated by the board of supervisors  
10 in the county where the prisoner is incarcerated, which in turn may  
11 verify that moneys were in fact collected on behalf of the victim.  
12 Upon receipt of that verified information from the agency, the  
13 California Victim Compensation and Government Claims Board  
14 shall transmit the restitution revenues to the victim in accordance  
15 with the provisions of subdivision (d) or (h).

16 SEC. 2. Section 1752.81 of the Welfare and Institutions Code  
17 is amended to read:

18 1752.81. (a) Whenever the Director of the Division of Juvenile  
19 Justice has in his or her possession in trust funds of a ward  
20 committed to the division, the funds may be released for any  
21 purpose when authorized by the ward. When the sum held in trust  
22 for any ward by the director exceeds one hundred dollars (\$100),  
23 the amount in excess of one hundred dollars (\$100) may be  
24 expended by the director pursuant to a lawful order of a court  
25 directing payment of the funds, without the authorization of the  
26 ward thereto.

27 (b) Whenever an adult or minor is committed to or housed in a  
28 Division of Juvenile Facilities facility and he or she owes a  
29 restitution fine imposed pursuant to Section 13967 of the  
30 Government Code, as operative on or before September 28, 1994,  
31 or Section 1202.4 or 1203.04 of the Penal Code, as operative on  
32 or before August 2, 1995, or pursuant to Section 729.6, 730.6 or  
33 731.1, as operative on or before August 2, 1995, the director shall  
34 deduct the balance owing on the fine amount from the trust account  
35 deposits of a ward, or 80 percent of the total amount held in trust,  
36 whichever is less, unless prohibited by federal law. The director  
37 shall transfer that amount to the California Victim Compensation  
38 and Government Claims Board for deposit in the Restitution Fund  
39 in the State Treasury. Any amount so deducted shall be credited

1 against the amount owing on the fine. The sentencing court shall  
2 be provided a record of the payments.

3 (e) ~~Whenever an adult or minor is committed to, or housed in,~~  
4 ~~a Division of Juvenile Facilities facility and he or she owes~~  
5 ~~restitution to a victim imposed pursuant to Section 13967 of the~~  
6 ~~Government Code, as operative on or before September 28, 1994,~~  
7 ~~or Section 1202.4 or 1203.04 of the Penal Code, as operative on~~  
8 ~~or before August 2, 1995, or pursuant to Section 729.6, 730.6, or~~  
9 ~~731.1, as operative on or before August 2, 1995, the director shall~~  
10 ~~deduct the balance owing on the order amount from the trust~~  
11 ~~account deposits of a ward, or 80 percent of the total amount held~~  
12 ~~in trust, unless prohibited by federal law. The director shall transfer~~  
13 ~~that amount directly to the victim. If the restitution is owed to a~~  
14 ~~person who has filed an application with the Victims of Crime~~  
15 ~~Program, the director shall transfer that amount to the California~~  
16 ~~Victim Compensation and Government Claims Board for direct~~  
17 ~~payment to the victim or payment shall be made to the Restitution~~  
18 ~~Fund to the extent that the victim has received assistance pursuant~~  
19 ~~to that program. The sentencing court shall be provided a record~~  
20 ~~of the payments made to victims and of the payments deposited~~  
21 ~~to the Restitution Fund pursuant to this subdivision.~~

22 (d) ~~Any compensatory or punitive damages awarded by trial or~~  
23 ~~settlement to a minor or adult committed to the Division of Juvenile~~  
24 ~~Facilities in connection with a civil action brought against any~~  
25 ~~federal, state, or local jail or correctional facility, or any official~~  
26 ~~or agent thereof, shall be paid directly, after payment of reasonable~~  
27 ~~attorney's fees and litigation costs approved by the court, to satisfy~~  
28 ~~any outstanding restitution orders or restitution fines against the~~  
29 ~~minor or adult. The balance of any award shall be forwarded to~~  
30 ~~the minor or adult committed to the Division of Juvenile Facilities~~  
31 ~~after full payment of all outstanding restitution orders and~~  
32 ~~restitution fines subject to subdivision (e). The Division of Juvenile~~  
33 ~~Facilities shall make all reasonable efforts to notify the victims of~~  
34 ~~the crime for which the minor or adult was committed concerning~~  
35 ~~the pending payment of any compensatory or punitive damages.~~  
36 ~~This subdivision shall apply to cases settled or awarded on or after~~  
37 ~~April 26, 1996, pursuant to Sections 807 and 808 of Title VIII of~~  
38 ~~the federal Prison Litigation Reform Act of 1995 (P.L. 104-134;~~  
39 ~~18 U.S.C. Sec. 3626 (Historical and Statutory Notes)).~~

1     ~~(e) The director shall deduct and retain from the trust account~~  
2     ~~deposits of a ward, unless prohibited by federal law, an~~  
3     ~~administrative fee that totals 10 percent of any amount transferred~~  
4     ~~pursuant to subdivision (b) and (c), or 5 percent of any amount~~  
5     ~~transferred pursuant to subdivision (d). The director shall deposit~~  
6     ~~the administrative fee moneys in a special deposit account for~~  
7     ~~reimbursing administrative and support costs of the restitution and~~  
8     ~~victims program of the Division of Juvenile Facilities. The director,~~  
9     ~~at his or her discretion, may retain any excess funds in the special~~  
10    ~~deposit account for future reimbursement of the division's~~  
11    ~~administrative and support costs for the restitution and victims~~  
12    ~~program or may transfer all or part of the excess funds for deposit~~  
13    ~~in the Restitution Fund.~~

14    ~~(f) When a ward has both a restitution fine and a restitution~~  
15    ~~order from the sentencing court, the Division of Juvenile Facilities~~  
16    ~~shall collect the restitution order first pursuant to subdivision (e).~~

17    ~~(g) Notwithstanding subdivisions (a), (b), and (c), whenever the~~  
18    ~~director holds in trust a ward's funds in excess of five dollars (\$5)~~  
19    ~~and the ward cannot be located, after one year from the date of~~  
20    ~~discharge, absconding from the Division of Juvenile Facilities~~  
21    ~~supervision, or escape, the Division of Juvenile Facilities shall~~  
22    ~~apply the trust account balance to any unsatisfied victim restitution~~  
23    ~~order or fine owed by that ward. If the victim restitution order or~~  
24    ~~fine has been satisfied, the remainder of the ward's trust account~~  
25    ~~balance, if any, shall be transferred to the Benefit Fund to be~~  
26    ~~expended pursuant to Section 1752.5. If the victim to whom a~~  
27    ~~particular ward owes restitution cannot be located, the moneys~~  
28    ~~shall be transferred to the Benefit Fund to be expended pursuant~~  
29    ~~to Section 1752.5.~~

30    ~~SEC. 3. Section 1752.82 of the Welfare and Institutions Code~~  
31    ~~is amended to read:~~

32    ~~1752.82. (a) Whenever an adult or minor is committed to or~~  
33    ~~housed in a Division of Juvenile Facilities facility and he or she~~  
34    ~~owes restitution to a victim or a restitution fine imposed pursuant~~  
35    ~~to Section 13967, as operative on or before September 28, 1994,~~  
36    ~~of the Government Code, or Section 1202.4 of the Penal Code, or~~  
37    ~~Section 1203.04, as operative on or before August 2, 1994, of the~~  
38    ~~Penal Code, or pursuant to Section 729.6, as operative on or before~~  
39    ~~August 2, 1995, Section 730.6 or 731.1, as operative on or before~~  
40    ~~August 2, 1995, the director shall deduct either the balance owing~~

1 on the restitution fine or order or 80 percent from the wages of  
2 that adult or minor, whichever is less, unless prohibited by federal  
3 law. The amount so deducted, exclusive of the costs of  
4 administering this section, which shall be retained by the director,  
5 shall be transferred to the California Victim Compensation and  
6 Government Claims Board for deposit in the Restitution Fund in  
7 the State Treasury in the case of a restitution fine, or, in the case  
8 of a restitution order, and upon the request of the victim, shall be  
9 paid directly to the victim. Any amount so deducted shall be  
10 credited against the amount owing on the fine or to the victim. The  
11 committing court shall be provided a record of any payments.

12 (b) A victim who has requested that restitution payments be  
13 paid directly to him or her pursuant to subdivision (a) shall provide  
14 a current address to the division to enable the division to send  
15 restitution payments collected on the victim's behalf to the victim.

16 (c) In the case of a restitution order, whenever the victim has  
17 died, cannot be located, or has not requested the restitution  
18 payment, the director shall deduct either the balance owing on the  
19 restitution order or 80 percent of the wages of that adult or minor,  
20 unless prohibited by federal law. The amount so deducted,  
21 exclusive of the costs of administering this section, which shall be  
22 retained by the director, shall be transferred to the California  
23 Victim Compensation and Government Claims Board, pursuant  
24 to subdivision (d), after one year has elapsed from the time the  
25 ward is discharged by the Division of Juvenile Justice. Any amount  
26 so deducted shall be credited against the amount owing to the  
27 victim. The funds so transferred shall be deposited in the  
28 Restitution Fund.

29 (d) If the Division of Juvenile Facilities has collected restitution  
30 payments on behalf of a victim, the victim shall request those  
31 payments no later than one year after the ward has been discharged  
32 by the Division of Juvenile Justice. Any victim who fails to request  
33 those payments within that time period shall have relinquished all  
34 rights to the payments, unless he or she can show reasonable cause  
35 for failure to request those payments within that time period.

36 (e) The director shall transfer to the California Victim  
37 Compensation and Government Claims Board all restitution  
38 payments collected prior to the effective date of this section on  
39 behalf of victims who have died, cannot be located, or have not  
40 requested restitution payments. The California Victim

1 Compensation and Government Claims Board shall deposit these  
2 amounts in the Restitution Fund.  
3 (f) For purposes of this section, “victim” includes a victim’s  
4 immediate surviving family member, on whose behalf restitution  
5 has been ordered.

O